

**THE LABOR COMMISSION  
WORKERS' COMPENSATION ADVISORY COUNCIL  
(Special Meeting)**

**Monday, March 1, 2010 – 10:00 A.M.  
Appeals Board Room, Heber Wells Building  
160 East 300 South  
Salt Lake City, Utah**

**The following Advisory Council members were in attendance:**

Brandt Goble, Painters and Tapers Local 77  
James V. Olsen, President, Utah Food Industry Association  
Jeff Rowley, Risk Manager, Salt Lake County  
Reo Castleton, SL County Fire Department (By Conference Call)  
Dennis Lloyd for Ray Pickup, Workers Compensation Fund (By Conference Call)  
Brian Kelm, Esq. (By Conference Call)

**The following Advisory Council members were excused:**

Edward Holmes, M.D., RMCOEH  
Ralph Astorga, President USWA Local 392  
Dawn Atkin, Esq.  
David Bird, Esq.  
Brad Tibbitts, Utah State Insurance Department  
Thomas Bingham, President, Utah Manufacturers Association  
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter  
Susan Kelly, Liberty Mutual (Self-declared Conflict of Interest)

**Others Present:**

Senator Chris Buttars (By Conference Call)  
Sherrie Hayashi - Commissioner  
Alan Hennebold - Deputy Labor Commissioner  
Ron Dressler – Industrial Accidents Interim Director, Labor Commission  
Robyn Barkdull – Public Information Officer, Labor Commission

**WELCOME**

**Welcome – Commissioner Hayashi** brought the meeting to order at 10:15 a.m. She explained the Workers' Compensation Advisory council was being asked to consider and make recommendations to S.B. 231, Medical Benefits Under Workers' Compensation, by Senator Buttars.

**1. S.B. 231, Medical Benefits Under Workers' Compensation, by Senator Buttars.**

**Alan Hennebold** gave a brief history of the bill. He said the bill modifies the Workers' Compensation Act to address payment of medical benefits in industrial accident cases, excluding permanent total disability cases and those involving prosthetic devices.

The bill provides for the 2007 legislation which changed the time limit from three years to one year be applied retroactively. **Mr. Hennebold** added this would have no effect on cases occurring before 1988 or after 2007. He said it was his understanding that in 2007 when the legislation passed, it was never intended that it be retroactive. He added that in researching minutes of past meetings, there had never been an actual proposal discussed to make the legislation retroactive.

Discussion on the fiscal impact of the bill ensued. **Jeff Rowley** stated Salt Lake County was taking a neutral position on the legislation as it is not possible to determine the true fiscal impact of the bill. He said

this is due to several limiting factors in their ability to accurately identify cases and charges which might come to the county through its passage. He said the information is difficult to access and not trackable.

**Senator Buttars** stated he did not have a fiscal note for the bill as it would take an actuarial study to arrive at the correct figure.

**Commissioner Hayashi** said there were would be no administrative costs incurred by passage of the bill, but employers, their workers compensation carriers, and self-insureds would see an impact.

**Reo Castleton** said the cities he represented through the fire department had expressed concern that there was no way to know how many people/cases this might affect and what might be the fiscal impact on the cities and counties.

**Brian Kelm** expressed support of the bill stating although a fiscal note would be challenging, passage of the legislation would make it easier to administer benefits. He encouraged the WC Advisory Council to get behind S.B. 213.

**Jim Olsen** expressed concern about having insurance companies being expected to go back and make the time limit apply retroactively when no one can predict what it will cost. He also said it was never his understanding, nor did he ever remember it being discussed, that this legislation should occur retroactively.

Because there was not a quorum present for voting purposes, **Alan Hennebold** proposed the Council members in attendance act in an Ad Hoc position and determine an intent of the Council to give the Senate some direction. He said other Council members would be emailed and asked to weigh in on the decision of any action taken.

**MOTION:** **Brian Kelm** moved to support S.B. 213, as amended, and recommend to the Senate passage of the bill. **Reo Castleton** seconded the motion.

**SUBSTITUTE MOTION:** **Jim Olson** moved to recommend to the Senate a neutral stance on the bill. **Jeff Rowley** seconded the motion. The motion passed among those voting members present with **Jim Olson, Jeff Rowley and Brandt Goble** voting in the affirmative. **Brian Kelm and Reo Castleton** voted no.

**Commissioner Hayashi** said the Commission would email the remaining council members not in attendance to give them an overview of the meeting and ask for their vote on the substitute motion.

**Commissioner Hayashi** adjourned the meeting at 10:50 a.m.